

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Plaintiff,

File No. 08-CR-00364 (RHK/AJB)

vs.

**MOTION TO VACATE OR SET ASIDE  
SENTENCE AND FOR NEW  
SENTENCING HEARING IN  
ACCORDANCE WITH  
28 U.S.C. 2255**

Thomas Joseph Petters,

Defendant.

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Defendant Thomas Petters, by and through undersigned counsel and in accordance with 28 U.S.C. 2255, respectfully moves this Court to vacate or set aside his sentence as unlawful and unconstitutional per the Fifth, Sixth and Eighth Amendments to the U.S. Constitution. Defendant further moves that his conviction(s) be vacated and that new plea and sentencing hearings be conducted.

This motion is based on 28 U.S.C. 2255, the Federal Rules of Criminal Procedure, the Sixth and Eighth Amendments to the U.S. Constitution, the Memorandum of Law in Support of this Motion, and upon any further points or authorities as may be raised during a hearing on this motion.

Respectfully submitted,

MESHBESHER & ASSOCIATES, PA

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